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EXAMINER

LE, H

ART UNIT	PAPER NUMBER
2757	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/087552

Applicant(s)

Hawkin et al.

Examiner

H. en c. 6

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on \_\_\_\_\_.
- ☒ This action is **FINAL**.
  - ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The Amendment file 5/24/00 have been entered and made of record.
2. Applicant has amended independent claims 1, & 9 and 12 by adding the new limitation "a program configured to receive only dynamic data from an Internet source". The Applicant's argument filed 5/24/00 have been fully considered but they are moot in view of new grounds for rejection.

***Claim Rejections - 35 USC § 102***

- 3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 12-13 are rejected under 35 U.S.C. 102(e) as anticipated by Whalen et al. [US. Pat. No. 5,948,066].

As to claim 12, Whalen discloses a device for providing wireless Internet access comprising:

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-first means for receiving a set of wireless queries for retrieving only dynamic data and transmitting a set of wireless responses containing the dynamic data (fig. 1, item 30, col. 2, lines 56-col.3, line 12, col. 4, lines 26-34); and

-second means, for converting the set of wireless queries into Internet compatible protocols, the second means is further for receiving a set of Internet protocol formatted responses corresponding to the set of wireless queries, the second means is further for converting the set of Internet protocol formatted responses into the set of wireless responses (fig. 1, item 10, col. 2, lines 30-55).

As to claim 13, Whale further discloses a wireless communications device comprising:

- a transceiver (fig. 1, item 28) for wireless communications over at least a first wireless network and a second wireless network (fig. 1, item 46);
- a memory for storing a program and a set of data (col. 2, lines 45-49), the set of data including a set of markup language formatted descriptions, the set of data being previously installed on the wireless communications device [the wireless web proxy delivers web information via HTTP protocol (col. 2, lines 20-24) and the browse requests a HTML response (col. 4, lines 26-30, Fig. 8] ; and
- a program for accessing the set of data and for rendering a form from the set of data, the program further for supporting input into the wireless communications device, the input for completing the form, the program further for generating a wireless communications query corresponding to the form (col. 5, lines 42-62).

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Whalen is silent about a processor, the processor being coupled in communications with the antenna and the memory, the processor for executing the program. However, this step is functionally inherent in Whalen's method because a stored program is executed in the mobile terminal 10 and a processor should be used to execute the stored program.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pepe et al. [US. Pat. No. 5,673,322] and Whalen et al. [US. Pat. No. 5,948,066].

As to claim 1, Pepe discloses a device for providing wireless Internet access

(fig. 2) comprising:

-an antenna (fig. 2, item 60), the antenna for receiving a set of wireless queries and transmitting a set of wireless responses (col. 7, lines 26-29); and

-a program (fig. 2, item 54), the program is for converting the set of wireless queries into Internet compatible protocols, the program is further for receiving a set of Internet protocol formatted responses corresponding to the set of wireless queries, the program is further for converting the set of Internet protocol formatted responses into the set of wireless responses (fig. 3, item 54,

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col. 7, lines 15-17 & col. 8, lines 17-20). Pepe discloses that the program is received from an Internet Source (Fig. 2).

Pepe does not disclose that the program is configured to receive only dynamic data.

Whalen discloses a wireless web proxy system, which functions as a HTTP (which is a protocol that is used for transporting hypertext files across the Internet) proxy incorporating a proprietary protocol for communication of HTTP requests and responses (col. 2, lines 17-20). When an HTTP response is a HTML form, the fixed proxy software 32 examines the sources identified by the primary URL to determine whether the mobile client 10 may need any other resources in order for his browser 12 to completely display the primary resource to the mobile client. If the cached version of the primary resource of the mobile client is up-to-date, the fixed proxy software 32 returns an indication that mobile client has the current version of the resource. Otherwise, the fixed proxy software 32 transmits the primary resource (in the form of a compressed HTTP response), along with information identifying the dependent resources to the mobile client (col. 4, lines 26-54 and col. 6, lines 44-65), i.e the fixed proxy software send only the updated version of the primary resource (data changed over time) and the updated version of the data is the dynamic data that changed over time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Whalen's teachings to modify Pepe 's device by configuring the mobile's device program to retrieve only dynamic data in order to achieve an efficient delivery of information (i.e., web content) accessed via the HTTP protocol over the Internet to a mobile browser client over

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wireless narrow-band communication systems which reduces the bandwidth required for transmitting data over the wireless channel, and reduces the latency (delay) in completing arrival of an entire web page.

As to claim 2, Pepe further discloses wherein the device includes a computer (fig. 2, item 52) with a transceiver card (fig. 2, item 58), the transceiver card is coupled to the antenna, the computer has a connection to the Internet (fig. 2, item 54), the computer and the transceiver card are for executing the program (col. 7, lines 15-30).

As to claim 3, Whalen further discloses wherein the computer includes a network server (fig. 8, Fixed server 30).

As to claim 4, Pepe further discloses wherein the computer includes personal computer acting as a client a local area network, the local area network being coupled in communications with the Internet (col. 2, lines 10-11 & col. 6, line 54-col. 7, line 3, fig. 2, items 52, 60, 62).

As to claim 5, Pepe further discloses including a computer (fig. 2, item 52) and an external transceiver (fig. 2, item 58), the external transceiver includes the antenna, the external transceiver being coupled in communications with computer, the computer has a connection to the Internet (fig. 2, item 54), the computer and the external transceiver are for executing the program (col. 7, lines 15-30).

As to claim 6, Pepe discloses a transceiver is coupled to the computer (fig. 2, item 58 & 52). However, Pepe does not disclose that the transceiver is coupled to the computer via a Universal Serial Bus connection.

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However, coupling an external transceiver or an I/O device to a computer via a Serial Bus connection, a Universal Serial Bus connection or a SCSI connection is well-known and standard in the art (Official Notice).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a well known and standard method of the art such as a Universal Serial Bus connection. The modification would have been motivated by conventional needs such as the availability of software, hardware, etc.

As to claim 7, Pepe further discloses wherein each wireless query of a subset of the set of wireless queries includes a corresponding web site identifier, and wherein the program is for converting the each wireless query of the subset into one or more of HTTP requests, the HTTP requests being addressed for the web site identified by the web site identifier (col. 7, lines 50-57).

As to claim 8, Pepe further discloses wherein each wireless query of a subset of wireless queries includes a secure query, and wherein the program is for forwarding converting and forwarding each wireless query of the subset to a proxy server (col. 7, lines 24-38).

As to claim 9, Pepe discloses a wireless access device for accessing Internet based information, the wireless access device comprising:

- a transceiver for receiving a set of wireless queries and transmitting a set of wireless responses (fig. 2);
- a computer (fig. 2, item 52), the computer being coupled to the transceiver (fig. 3; item 58).



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Pepe does not disclose a program configured to retrieve only dynamic data from an Internet source, the program is for converting the set of wireless queries into Internet compatible protocols, the program is further for receiving a set of Internet protocol formatted responses corresponding to the set of wireless queries, the program is further for converting the set of Internet protocol formatted responses into the set of wireless responses containing the dynamic data.

Whalen discloses a wireless web proxy system, which functions as a HTTP (which is a protocol that is used for transporting hypertext files across the Internet) proxy incorporating a proprietary protocol for communication of HTTP requests and responses (col. 2, lines 17-20). When an HTTP requests and responses (col. 2, lines 17-20). When an HTTP response is a HTML form, the fixed proxy software 32 examines the sources identified by the primary URL to determine whether the mobile client 10 may need any other resources in order for his browser 12 to completely display the primary resource to the mobile client. If the cached version of the primary resource of the mobile client is up-to-date, the fixed proxy software 32 returns an indication that mobile client has the current version of the resource. Otherwise, the fixed proxy software 32 transmits the primary resource (in the form of a compressed HTTP response), along with information identifying the dependent resources to the mobile client (col. 4, lines 26-54 and col. 6, lines 44-65), i.e the fixed proxy software send only the updated version of the primary resource (data changed over time) and the updated version of the data is the dynamic data that changed over time.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Whalen's teachings to modify Pepe's device by configuring the mobile's device program to retrieve only dynamic data in order to achieve an efficient delivery of information (i.e., web content) accessed via the HTTP protocol over the Internet to a mobile browser client over wireless narrow-band communication systems which reduces the bandwidth required for transmitting data over the wireless channel, and reduces the latency (delay) in completing arrival of an entire web page.

As to claim 10, Whalen discloses wherein the transceiver is coupled to the computer via a PCI bus connection (col. 8, lines 52-53).

As to claim 11, refer to claim 6 rejection.

As to claim 14, Whalen further discloses wherein the first wireless network corresponds to a private wireless data packet network and the second wireless network corresponds to a wireless connection to a computer coupled to a network.

Pepe discloses a method and system for interfacing a private computer or private computer network (LAN) with the WWW which provides support, for TCP/IP in the a high latency environment (col. 6, line 54-col.7, line 3, Fig. 1, item 10). The system includes a private wireless data packet network [first wireless network] (Fig.2, items 60,62) and wireless connection to a computer coupled to it [second wireless network] (Fig. 2, item 52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Pepe's teachings to modify Whale's system by coupling a wireless computer

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network to the WWW (private network) which offers a potential catalyst for wireless data networks to become a direct participant in exploding Internet popularity (col. 6, line 56-59).

As to claim 15, refer to claim 3 rejection.

As to claim 16, refer to claim 4 rejection.


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 308-7492. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.  
Hieu Le

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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